

WHEAT MARKETING COMMISSION

RULES

CHAPTER 1

WHEAT ASSESSMENT, COLLECTION AND REFUNDS

Section 1. Authority.

Pursuant to W.S. 11-38-101 through 11-38-110, and the authority provided by W.S. 11-38-104(b)(xi), the following rules are hereby promulgated and adopted.

Section 2. Assessment.

(a) Wyoming wheat is assessed in the amount of one and three-quarters cents (\$0.0175) per bushel.

(b) There shall be no delineation as to crop year in the assessment of Wyoming wheat. "Wyoming wheat" means wheat grown in the state of Wyoming at any time, provided that wheat originating from any state that collects a similar levy upon wheat, but bases assessment upon the location of the first sale taking place within its jurisdiction shall be treated as if the wheat were grown within the state of Wyoming, being first handled by a Wyoming handler.

(c) Forms for remitting the assessment shall be provided by the Wheat Marketing Commission.

Section 3. Collection.

(a) The collection of the wheat assessment shall be recorded on forms acceptable to the Wheat Marketing Commission.

(b) Handlers shall remit all collected assessments by the 15th of the month next succeeding the quarter in which the wheat is sold or contracted in commercial channels. Any and all monies collected shall be remitted to the Wheat Marketing Commission. No assessment may be retained by the handler for longer than one-hundred-seven (107) days.

(c) The handler shall present a receipt to the grower at the time of sale. A settlement sheet that has a line item delineating only the Wyoming wheat assessment shall be deemed a receipt.

(d) The grower may apply for a Wheat Assessment Refund at the Office of the Wheat Marketing Commission. Refund forms must be submitted not less than thirty (30) nor more than ninety (90) days from the date of sale.

Section 4. Refunds.

(a) A person who has paid the prescribed assessment is entitled to a prompt refund of the contribution.

(b) No refund application will be accepted after the ninety (90) days have elapsed. Ninety (90) days shall be deemed to have elapsed at 12:00 midnight on the ninetieth (90th) day. A valid postmark shall be used to determine the date of submission of the refund application.

(c) Payment of a refund will be made promptly after the contribution has been received from the handler which collected the initial assessment.

(d) Only forms provided by the Wheat Marketing Commission will be accepted.

(e) The Wheat Marketing Commission may refuse payment of doubtful claims. Claimants must provide all information as deemed necessary by the Wheat Marketing Commission before payment will be made.

(f) A person may request a hearing on a denied refund claim before the Wheat Marketing Commission.

(g) Contested cases will be heard only at regularly scheduled meetings of the Wheat Marketing Commission. The procedure for a contested case shall be as outlined in W.S. 16-3-107.

Section 5. Enforcement.

The Wheat Marketing Commission shall take appropriate action when these regulations are not followed.